

Date Mailed
June 20, 2000

BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN

Investigation into the Establishment of Cost-Related Zones
for Unbundled Network Elements

05-TI-349

**NOTICE OF PROCEEDING, PREHEARING CONFERENCE
AND ASSESSMENT OF COSTS**

Prehearing Conference Date:	Wednesday, July 12, 2000 – 1:00 p.m.
Conference Location:	Public Service Commission, 610 North Whitney Way, Madison, WI (Amnicon Falls Hearing Room, 1st Floor)

THIS IS A PROCEEDING TO investigate the establishment of cost-related zones for unbundled network elements (UNE) as required by 47 C.F.R. § 51.507(f). The Commission has the authority to conduct such an investigation under Wis. Stat. § 196.02(1).

In the Federal Communications Commission's (FCC) *Local Competition Order*, issued August 8, 1996, the FCC established, among other rules, 47 C.F.R. § 51.507(f) requiring state commissions to establish a minimum of three different cost-related rates for UNEs.¹ On May 7, 1999, the FCC stayed the effective date of the UNE requirement (*Stay Order*)² until six months after it issued its *Universal Service Order*.³ The FCC issued the Universal Service Order on November 2, 1999, making the effective date of the UNE requirement May 2, 2000.

However, the *Stay Order* permitted state commissions to request a waiver of the effective date based on a case-by-case review of that state's particular facts and circumstances. On April 4, 2000, this Commission applied for a temporary waiver of the May 2, 2000, effective date. In its motion to the FCC this Commission explained that hearings were scheduled for October 12, 2000, in docket 6720-TI-161 that includes as issues the number of zones and cost characteristics of zones. The FCC only granted the Commission a limited waiver, giving it until October 31, 2000, to comply with requirements to create cost related zones for UNEs.⁴ In order

¹ First Report and Order, 11 FCC Rcd 15499 (1996). The US Court of Appeals for the 8th circuit vacated this rule but the U.S. Supreme Court reinstated it. *AT&T v. Iowa Utilities Board*, 525 U.S. 366 (1999).

² *Stay Order*, FCC 99-86, CC 96-98, Rel. May 7, 1999.

³ Ninth Report and Order and Eighteenth Order on Reconsideration, FCC 99-306, CC 96-45, Rel. Nov. 2, 1999.

⁴ *In the Matter of Petitions for Waiver of the Section 51.507(f) UNE Deaveraging Requirement, Petition of the Wisconsin Public Service Commission*. CCB/CPO 00-09 (Rel. April 28, 2000)

to meet that deadline, the Commission now needs to address this issue before docket 6720-TI-161 can be completed.

NOTICE IS GIVEN that the Commission will hold a prehearing conference on Wednesday, July 12, 2000, at 1:00 p.m. in the Amnicon Falls Hearing Room at the Public Service Commission Building, 610 North Whitney Way, Madison, Wisconsin, and continuing at times to be set by the presiding Administrative Law Judge. This building is accessible to people in wheelchairs through the Whitney Way first floor (lobby) entrance. Parking for people with disabilities is available on the south side of the building. Any person with a disability who needs additional accommodations should contact the case coordinator listed below.

The prehearing conference is being held to: (1) identify persons who will participate as parties; (2) identify issues; (3) determine the date and time for a hearing; (4) specify dates for filing testimony and exhibits; and (5) any other matters that will facilitate the hearing.

Parties will be bound by the designation of issues and the schedule adopted at the prehearing conference. Persons who consider themselves to be potential parties should participate in the prehearing conference. Any person desiring to become a party shall file a request pursuant to Wis. Stat. § 227.44(2m) and Wis. Admin. Code § PSC 2.32(3) no later than 14 days from the date of this notice. The request shall be addressed to Administrative Law Judge Jeffrey J. Patzke, Public Service Commission of Wisconsin, P.O. Box 7854, Madison, Wisconsin 53707-7854.

This is not a contested case but will be conducted according to the procedures for Class 1 proceedings as defined in Wis. Stat. § 227.01(3)(a).

The Commission considers it necessary, in order to carry out its duties, to investigate all books, accounts, practices, and activities of the incumbent local exchange carriers. The expenses incurred or to be incurred by the Commission which are reasonably attributable to such an investigation will be assessed against and collected from the incumbent local exchange carriers in accordance with the provisions of Wis. Stat. § 196.85 and Wis. Admin. Code ch. PSC 5.

The Commission does not discriminate on the basis of disability in the provision of programs, services, or employment. Any person with a disability who needs accommodations to participate in this proceeding or who needs to obtain this document in a different format should contact the case coordinator listed below.

Questions from the media may be directed to Jeffrey L. Butson, Public Affairs Director at (608) 267-0912.

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Questions regarding this matter may be directed to case coordinator Anne Wiecki at (608) 267-0913.

Dated at Madison, Wisconsin, _____

By the Commission:

Lynda L. Dorr
Secretary to the Commission

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